

REMARKS

This is a full and timely response to the non-final Office Action mailed on June 23, 2004, (Paper No. 8). Claims 1-40, 42-44 and 46-69 are currently pending in the current application.. Reconsideration and allowance of the application and presently pending claims are respectfully requested in view of the foregoing remarks. Applicants should not be presumed to agree with any statements made by the Examiner in the Office Action unless otherwise specifically indicated by the Applicants.

I. Rejections under 35 U.S.C. §102

Claims 1-48, 53-56, 58-62, and 66-68 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,732,367, to *Ellis, et al.* Applicants respectfully traverse the rejection. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference discloses each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 1

Claim 1, as amended, recites:

A method for providing media information to a user via an interactive media services client device coupled to a programmable television services server device, said method comprising:
displaying a medial title list that has at least one media title, each media title being displayed in a title area;
receiving user input identifying a media title in a title area and requesting that said title area containing said media title be removed from a media title list; and
deleting said title area containing said media title from said media title list.

(Emphasis Added)

- i. Ellis fails to disclose and teach the feature of “deleting said title area containing said media title from said media title list”, as recited in claim 1

In fact, *Ellis* discloses on Col. 1, line 62-Col. 2, line 7 as follows:

These and other objects of the invention are accomplished in accordance with the principles of the present invention by providing an interactive television program guide system in which an interactive television program guide implemented on user television equipment provides users with an opportunity to block adult program listings or other potentially objectionable material (e.g., material that might be considered by some users to be too graphic or violent). *When the user invokes blocking, the program guide replaces potentially objectionable material with unobjectionable material such as a blank region, a generic title or description, or a title or description related to the channel of the blocked program listing.*

(Emphasis Added)

Ellis further discloses on Col. 9, lines 28-46, as follows:

If blocking is performed based on which channel the adult program listing is associated with, then information on the blocked channel may be presented in place of the objectionable title. For example, if adult program listings blocking is on and the program guide identifies the Playboy Channel as a channel for which program listings should be blocked, the program guide may replace the regular (potentially objectionable) title for the Playboy Channel program listing with the title "Playboy Programming," as shown in program listing 132 of screen 134 in FIG. 10. *If the user selects program listing 132 with highlight region 136, the program guide presents information screen 138, in which the regular title in title region 140 has been replaced by an unobjectionable channel-descriptive title 142. The regular detailed description in description region 144 has also been replaced with the generic unobjectionable description 146. Airtimes in airtimes region 148 may be replaced with a blank region or may be displayed in their normal fashion.*

(Emphasis Added)

Consequently, *Ellis* fails to disclose and teach the feature of “deleting said title area containing said media title from said media title list”, as recited in claim 1. A prima facie case of anticipation cannot be established. Accordingly, for this reason, among others, Applicants respectfully request that claim 1 be allowed and the rejection be withdrawn.

B. Claims 2-9

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-9 are allowable as a matter of law for at least the reason that dependent claims 2-9 contain all features and elements of their respective independent based claim. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 2-9 should be withdrawn for at least this reason, among others.

C. Claims 10, 15, 20, 28, 34, 56

Claims 10 and 15, as amended, recite a “a processor configured to cause a title area containing a media title identified by user input to be removed from said media title list.” Claim 20 recites “excluding a title area containing said media title that meets said filtering criterion from said media title list; and displaying said media title list that has at least one title area containing at least one media title except said title area containing said media title that meets said filter criterion.” Claim 28 recites “a processor configured to cause a title area containing a media title corresponding to a filtering criterion identified by user input to be excluded from said media title list, said processor being further configured to display said media title list without said title area containing said media title that corresponded to said filtering criterion.” Claim 34 recites “a processor configured to cause a title area containing a media title corresponding to a filtering criterion identified by user input to be excluded from said media title list.” Claim 56 recites “said logic configured to cause a title area containing a media title identified by user input to be removed from a media title list.” Claim 59 recites “said logic configured to cause a title area containing a media title corresponding to a filtering criterion identified by user input to be excluded from a media title list.”

As mentioned above with reference to claim 1, *Ellis* appears to disclose blocking an adult program listings or objectionable materials by replacing them with unobjectionable material such as a blank region, or a generic title or description. Consequently, *Ellis* fails to disclose and teach the above quoted-features of claims 10, 15, 20, 28, 34, 56, and 59. A prima facie case of

anticipation cannot be established. Accordingly, for this reason, among others, Applicants respectfully request that claims 10, 15, 20, 28, 34, 56, and 59 be allowed and the rejection be withdrawn.

D. Claims 11-14, 16-19, 21-27, 29-33, 35-40, 42-44, 46-48, 53-55, 58, 60-62, and 66-69

Because independent claims 10, 15, 20, 28, 34, 56, and 59 are allowable over the cited art of record, dependent claims 11-14, 16-19, 21-27, 29-33, 35-40, 42-44, 46-48, 53-55, 58, 60-62, and 66-69 are allowable as a matter of law for at least the reason that dependent claims 11-14, 16-19, 21-27, 29-33, 35-40, 42-44, 46-48, 53-55, 58, 60-62, and 66-69 contain all features and elements of their respective independent based claim. *In re Fine*, supra. Accordingly, the rejection to dependent claims 11-14, 16-19, 21-27, 29-33, 35-40, 42-44, 46-48, 53-55, 58, 60-62, and 66-69 should be withdrawn for at least this reason, among others.

II. Rejection under 35 U.S.C. 103(a)

Claims 49-52, 57, and 63-65 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of "Official Notice." In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all features of the claim invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Because independent claims 20, 56, and 59 are allowable over the cited art of record, dependent claims 49-52, 57, and 63-65 are allowable as a matter of law for at least the reason that dependent claims 49-52, 57, and 63-65 contain all features and elements of their respective independent based claim. *In re Fine*, supra. Accordingly, the rejection to dependent claims 49-52, 57, and 63-65 should be withdrawn for at least this reason, among others.

The Examiner has taken Official Notice that "the concept and advantages of entering text strained by a user for specifying filtering criterion is old and well known in the art" and "the concept and advantages of prompting a user for temporary or permanent deletion of media titles is old and well known in the art."

According to MPEP 2144.03, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known."

MPEP 2144.03 also states that "If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

Applicants respectfully traverse the Examiner's Official Notice for at least the following reasons:

1. The fact sought to be established by the Official Notice is not capable of "instant and unquestionable demonstration as being well-known."
2. The basis for the Official Notice was not set forth explicitly.
3. The Examiner did not provide specific factual findings predicated on sound technical and scientific reasoning to support the conclusions of common knowledge.
4. The Examiner failed to cite documentary support for the Official Notice.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all rejections have been traversed and that the now pending claims 1-40, 42-44, and 46-69 are in condition for allowance. Favorable reconsideration and allowance of the present application and pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to contact the undersigned agent at (770) 933-9500.

Respectfully submitted,



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